

**MEMO ENDORSED**

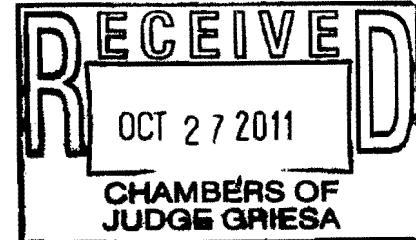
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October 26, 2011

**VIA FEDEX**

Honorable Thomas P. Griesa  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007



**Re: *Trustees of the Washington State Plumbing and Pipefitting Industry Pension Plan v. Tremont Partners, Inc.,***  
**Master File No. 10-CV-0255**

Dear Judge Griesa:

Our firm represents the Trustees of the Washington State Plumbing and Pipefitting Industry Pension Plan in the above referenced litigation ("ERISA Action"). We write in response to the letter to Your Honor dated October 25, 2011 in which counsel for defendant Tremont Partners, Inc. ("Tremont") requests that all "Securities & State Law Actions" and "Insurance Actions" continue to be coordinated for pretrial purposes.

We agree with Tremont's counsel's representation that our suit is not among the "Security & State Law Actions" or the "Insurance Actions" that should be coordinated for pretrial purposes. Instead, the Trustees of the Washington State Plumbing and Pipefitting Industry Pension Plan have brought unique ERISA claims and Tremont correctly notes that this ERISA Action is proceeding pursuant to a separate scheduling stipulation entered by the Court.

However, we seek to clarify our position that, because we have not yet exchanged any discovery with Tremont, we will not be in a position to determine whether it is necessary to amend our Complaint by the December 19, 2011 deadline proposed for the Securities & State Law Actions and the Insurance Actions. Accordingly, we request that the Court instead set a deadline for the filing of amended pleadings in the ERISA Action no earlier than six (6) months after the Court's ruling on the Motion for Judgment on the Pleadings that Tremont has filed with the Court.

*Approved  
Thomas P. Griesa /USA/ 11/14/11*

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We have discussed our request with Tremont's counsel, and they take no position with respect to our request.

Respectfully,

KESSLER TOPAZ  
MELTZER & CHECK, LLP

A handwritten signature in black ink that appears to read 'EWC'.

Edward W. Ciolko

EWC/lal

cc: Seth M. Schwartz, Esq. (via e-mail)  
Jason Vigna, Esq. (via e-mail)